

House Study Bill 101

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
ELDER AFFAIRS BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the regulation of elder group homes and
2 providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1267DP 81
5 pf/gg/14

PAG LIN

1 1 Section 1. Section 231B.1, Code 2005, is amended by
1 2 striking the section and inserting in lieu thereof the
1 3 following:
1 4 231B.1 DEFINITIONS.
1 5 1. "Department" means the department of elder affairs or
1 6 the department's designee.
1 7 2. "Elder" means a person sixty years of age or older.
1 8 3. "Elder group home" means a single-family residence that
1 9 is operated by a person who is providing room, board, and
1 10 personal care and may provide health-related services to three
1 11 through five elders who are not related to the person
1 12 providing the service within the third degree of consanguinity
1 13 or affinity, and which is staffed by an on-site manager
1 14 twenty-four hours per day, seven days per week.
1 15 4. "Governmental unit" means the state, or any county,
1 16 municipality, or other political subdivision or any
1 17 department, division, board, or other agency of any of these
1 18 entities.
1 19 5. "Health-related care" means services provided by a
1 20 registered nurse or a licensed practical nurse, on a part-time
1 21 or intermittent basis, and services provided by other licensed
1 22 health care professionals, on a part-time or intermittent
1 23 basis, as defined by rule, and provided in accordance with
1 24 respective health-related professional governing standards.
1 25 "Health-related care" does not include a twenty-four-hour
1 26 program of health-related care.
1 27 6. "Occupancy agreement" means a written agreement entered
1 28 into between an elder group home and a tenant that clearly
1 29 describes the rights and responsibilities of the elder group
1 30 home and the tenant, and other information required by rule.
1 31 "Occupancy agreement" may include a separate signed lease and
1 32 signed service agreement.
1 33 7. "Personal care" means assistance with the essential
1 34 activities of daily living which may include but are not
1 35 limited to transferring, bathing, personal hygiene, dressing,
2 1 grooming, and housekeeping that are essential to the health
2 2 and welfare of a tenant.
2 3 8. "Tenant" means an individual who receives elder group
2 4 home services through a certified elder group home.
2 5 9. "Tenant advocate" means the office of the long-term
2 6 care resident's advocate established in section 231.42.
2 7 10. "Tenant's legal representative" means a person
2 8 appointed by the court to act on behalf of a tenant, or a
2 9 person acting pursuant to a power of attorney.
2 10 Sec. 2. NEW SECTION. 231B.1A FINDINGS, PURPOSE, AND
2 11 INTENT.
2 12 1. The general assembly finds that elder group homes are
2 13 an important part of the long-term care continua in this
2 14 state. Elder group homes emphasize the independence and
2 15 dignity of the individual while providing housing in a cost-
2 16 effective manner.
2 17 2. The purposes of establishing and regulating elder group
2 18 homes include all of the following:
2 19 a. To encourage the establishment and maintenance of a

2 20 safe and homelike environment for individuals of all income
2 21 levels who require assistance with personal care to live
2 22 independently but who require health-related care only on a
2 23 part-time or intermittent basis.

2 24 b. To establish standards for elder group homes that allow
2 25 flexibility in design, which promotes a model of service
2 26 delivery by focusing on individual independence, needs and
2 27 desires, and consumer-driven quality of service.

2 28 c. To encourage public participation in the development of
2 29 elder group home programs for individuals of all income
2 30 levels.

2 31 3. It is the intent of the general assembly that the
2 32 department of elder affairs establish policy for elder group
2 33 homes and that the department of inspections and appeals
2 34 enforce this chapter.

2 35 Sec. 3. Section 231B.2, Code 2005, is amended by striking
3 1 the section and inserting in lieu thereof the following:
3 2 231B.2 CERTIFICATION OF ELDER GROUP HOMES == RULES.

3 3 1. The department shall establish by rule, in accordance
3 4 with chapter 17A, minimum standards for certification and
3 5 monitoring of elder group homes. The department may adopt by
3 6 reference, with or without amendment, nationally recognized
3 7 standards and rules for elder group homes. The standards and
3 8 rules shall be formulated in consultation with the department
3 9 of inspections and appeals and affected industry,
3 10 professional, and consumer groups and shall be designed to
3 11 accomplish the purposes of this chapter and shall include but
3 12 not be limited to rules relating to all of the following:

3 13 a. Provisions to ensure, to the greatest extent possible,
3 14 the health, safety, well-being, and appropriate treatment of
3 15 tenants.

3 16 b. Requirements that elder group homes furnish the
3 17 department of elder affairs and the department of inspections
3 18 and appeals with specified information necessary to administer
3 19 this chapter. All information related to the provider
3 20 application for an elder group home presented to either the
3 21 department of inspections and appeals or the department of
3 22 elder affairs shall be considered a public record pursuant to
3 23 chapter 22.

3 24 c. Standards for tenant evaluation or assessment, which
3 25 may vary in accordance with the nature of the services
3 26 provided or the status of the tenant.

3 27 d. Provisions for granting short-term waivers for tenants
3 28 who exceed occupancy criteria.

3 29 2. Each elder group home operating in this state shall be
3 30 certified by the department of inspections and appeals. An
3 31 elder group home certified under this section is exempt from
3 32 the requirements of section 135.63 relating to certificate of
3 33 need requirements.

3 34 3. The owner or manager of a certified elder group home
3 35 shall comply with the rules adopted by the department for an
4 1 elder group home. A person, including a governmental unit,
4 2 shall not represent an elder group home to the public as an
4 3 elder group home or as a certified elder group home unless and
4 4 until the program is certified pursuant to this chapter.

4 5 4. a. Services provided by a certified elder group home
4 6 may be provided directly by staff of the elder group home, by
4 7 individuals contracting with the elder group home to provide
4 8 services, or by individuals employed by the tenant or with
4 9 whom the tenant contracts if the tenant agrees to assume the
4 10 responsibility and risk of the employment or the contractual
4 11 relationship.

4 12 b. If a tenant is terminally ill and has elected to
4 13 receive hospice services under the federal Medicare program
4 14 from a Medicare-certified hospice program, the elder group
4 15 home and the Medicare-certified hospice program shall enter
4 16 into a written agreement under which the hospice program
4 17 retains professional management responsibility for those
4 18 services.

4 19 5. The department of inspections and appeals may enter
4 20 into contracts to provide certification and monitoring of
4 21 elder group homes. The department of inspections and appeals
4 22 shall:

4 23 a. Have full access at reasonable times to all records,
4 24 materials, and common areas pertaining to the provision of
4 25 services and care to the tenants of a program during
4 26 certification, monitoring, and complaint investigations of
4 27 programs seeking certification, currently certified, or
4 28 alleged to be uncertified.

4 29 b. With the consent of the tenant, visit the tenant's
4 30 unit.

4 31 6. A department, agency, or officer of this state or of
4 32 any governmental unit shall not pay or approve for payment
4 33 from public funds any amount to an elder group home for an
4 34 actual or prospective tenant, unless the program holds a
4 35 current certificate issued by the department of inspections
5 1 and appeals and meets all current requirements for
5 2 certification.

5 3 7. The department shall adopt rules regarding the
5 4 conducting or operating of another business or activity in the
5 5 distinct part of the physical structure in which the elder
5 6 group home is operated, if the business or activity serves
5 7 persons who are not tenants. The rules shall be developed in
5 8 consultation with the department of inspections and appeals
5 9 and affected industry, professional, and consumer groups.

5 10 8. An elder group home shall comply with section 135C.33.

5 11 9. An elder group home, an owner or agent of the elder
5 12 group home, or an employee of the elder group home shall not
5 13 act as a fiduciary as defined in section 633.1102 or be
5 14 designated as an attorney in fact under a power of attorney
5 15 for a tenant or any of the tenant's property. An elder group
5 16 home shall not require a tenant or the tenant's legal
5 17 representative to liquidate personal property as a condition
5 18 of tenancy.

5 19 10. Certification shall be for two years unless revoked
5 20 for good cause by the department of inspections and appeals.

5 21 Sec. 4. Section 231B.4, Code 2005, is amended by striking
5 22 the section and inserting in lieu thereof the following:

5 23 231B.4 ZONING == FIRE AND SAFETY STANDARDS.

5 24 An elder group home shall be located in an area zoned for
5 25 single-family or multiple-family housing or in an
5 26 unincorporated area and shall be constructed in compliance
5 27 with applicable local housing codes and the rules adopted for
5 28 the special classification by the state fire marshal. In the
5 29 absence of local building codes, the facility shall comply
5 30 with the state plumbing code established pursuant to section
5 31 135.11 and the state building code established pursuant to
5 32 section 103A.7 and the rules adopted for the special
5 33 classification by the state fire marshal.

5 34 Sec. 5. NEW SECTION. 231B.5 WRITTEN OCCUPANCY AGREEMENT
5 35 REQUIRED.

6 1 1. An elder group home shall not operate in this state
6 2 unless a written occupancy agreement, as prescribed in
6 3 subsection 2, is executed between the elder group home and
6 4 each tenant or the tenant's legal representative prior to the
6 5 tenant's occupancy, and unless the elder group home operates
6 6 in accordance with the terms of the occupancy agreement. The
6 7 elder group home shall deliver to the tenant or the tenant's
6 8 legal representative a complete copy of the occupancy
6 9 agreement and all supporting documents and attachments and
6 10 shall deliver at least thirty days prior to any changes, a
6 11 written copy of changes to the occupancy agreement if any
6 12 changes to the copy originally delivered are subsequently
6 13 made, unless otherwise provided in this section.

6 14 2. An elder group home occupancy agreement shall clearly
6 15 describe the rights and responsibilities of the tenant and the
6 16 elder group home. The occupancy agreement shall also include
6 17 but is not limited to inclusion of all of the following
6 18 information in the body of the agreement or in the supporting
6 19 documents and attachments:

6 20 a. A description of all fees, charges, and rates
6 21 describing tenancy and basic services covered, and any
6 22 additional and optional services and their related costs.

6 23 b. A statement regarding the impact of the fee structure
6 24 on third-party payments, and whether third-party payments and
6 25 resources are accepted by the elder group home.

6 26 c. The procedure followed for nonpayment of fees.

6 27 d. Identification of the party responsible for payment of
6 28 fees and identification of the tenant's legal representative,
6 29 if any.

6 30 e. The term of the occupancy agreement.

6 31 f. A statement that the elder group home shall notify the
6 32 tenant or the tenant's legal representative, as applicable, in
6 33 writing at least thirty days prior to any change being made in
6 34 the occupancy agreement with the following exceptions:

6 35 (1) When the tenant's health status or behavior
7 1 constitutes a substantial threat to the health or safety of
7 2 the tenant, other tenants, or others, including when the
7 3 tenant refuses to consent to relocation.

7 4 (2) When an emergency or a significant change in the
7 5 tenant's condition results in the need for the provision of
7 6 services that exceed the type or level of services included in

7 7 the occupancy agreement and the necessary services cannot be
7 8 safely provided by the elder group home.

7 9 g. A statement that all tenant information shall be
7 10 maintained in a confidential manner to the extent required
7 11 under state and federal law.

7 12 h. Occupancy, involuntary transfer, and transfer criteria
7 13 and procedures, which ensure a safe and orderly transfer.

7 14 i. The internal appeals process provided relative to an
7 15 involuntary transfer.

7 16 j. The program's policies and procedures for addressing
7 17 grievances between the elder group home and the tenants,
7 18 including grievances relating to transfer and occupancy.

7 19 k. A statement of the prohibition against retaliation as
7 20 prescribed in section 231B.13.

7 21 l. The emergency response policy.

7 22 m. The staffing policy which specifies the staff is
7 23 available twenty-four hours per day, if nurse delegation will
7 24 be used, and how staffing will be adapted to meet changing
7 25 tenant needs.

7 26 n. The refund policy.

7 27 o. A statement regarding billing and payment procedures.

7 28 3. Occupancy agreements and related documents executed by
7 29 each tenant or tenant's legal representative shall be
7 30 maintained by the elder group home from the date of execution
7 31 until three years from the date the occupancy agreement is
7 32 terminated. A copy of the most current occupancy agreement
7 33 shall be provided to members of the general public, upon
7 34 request. Occupancy agreements and related documents shall be
7 35 made available for on-site inspection to the department of
8 1 inspections and appeals upon request and at reasonable times.

8 2 Sec. 6. NEW SECTION. 231B.6 INVOLUNTARY TRANSFER.

8 3 1. If an elder group home initiates the involuntary
8 4 transfer of a tenant and the action is not a result of a
8 5 monitoring evaluation or complaint investigation by the
8 6 department of inspections and appeals, and if the tenant or
8 7 tenant's legal representative contests the transfer, the
8 8 following procedure shall apply:

8 9 a. The elder group home shall notify the tenant or
8 10 tenant's legal representative, in accordance with the
8 11 occupancy agreement, of the need to transfer, the reason for
8 12 the transfer, and the contact information of the tenant
8 13 advocate.

8 14 b. The elder group home shall provide the tenant advocate
8 15 with a copy of the notification to the tenant.

8 16 c. The tenant advocate shall offer the notified tenant or
8 17 tenant's legal representative assistance with the program's
8 18 internal appeals process. The tenant is not required to
8 19 accept the assistance of the tenant advocate.

8 20 d. If, following the internal appeals process, the elder
8 21 group home upholds the transfer decision, the tenant or the
8 22 tenant's legal representative may utilize other remedies
8 23 authorized by law to contest the transfer.

8 24 2. The department, in consultation with the department of
8 25 inspections and appeals and affected industry, professional,
8 26 and consumer groups, shall establish by rule, in accordance
8 27 with chapter 17A, procedures to be followed, including the
8 28 opportunity for hearing, when the transfer of a tenant results
8 29 from a monitoring evaluation or complaint investigation
8 30 conducted by the department of inspections and appeals.

8 31 Sec. 7. NEW SECTION. 231B.7 COMPLAINTS.

8 32 1. Any person with concerns regarding the operations or
8 33 service delivery of an elder group home may file a complaint
8 34 with the department of inspections and appeals. The name of
8 35 the person who files a complaint with the department of
9 1 inspections and appeals and any personal identifying
9 2 information of the person or any tenant identified in the
9 3 complaint shall be kept confidential and shall not be subject
9 4 to discovery, subpoena, or other means of legal compulsion for
9 5 its release to a person other than department of inspections
9 6 and appeals' employees involved with the complaint.

9 7 2. The department, in cooperation with the department of
9 8 inspections and appeals, shall establish procedures for the
9 9 disposition of complaints received in accordance with this
9 10 section.

9 11 Sec. 8. NEW SECTION. 231B.8 INFORMAL REVIEW.

9 12 1. If an elder group home contests the findings of
9 13 regulatory insufficiencies of a monitoring evaluation or
9 14 complaint investigation, the program shall submit written
9 15 information, demonstrating that the program was in compliance
9 16 with the applicable requirement at the time of the monitoring
9 17 evaluation or complaint investigation of the regulatory

9 18 insufficiencies, to the department of inspections and appeals
9 19 for review.

9 20 2. The department of inspections and appeals shall review
9 21 the written information submitted within ten working days of
9 22 the receipt of the information. At the conclusion of the
9 23 review, the department of inspections and appeals may affirm,
9 24 modify, or dismiss the regulatory insufficiencies. The
9 25 department of inspections and appeals shall notify the program
9 26 in writing of the decision to affirm, modify, or dismiss the
9 27 regulatory insufficiencies, and the reasons for the decision.

9 28 3. In the case of a complaint investigation, the
9 29 department of inspections and appeals shall also notify the
9 30 complainant, if known, of the decision and the reasons for the
9 31 decision.

9 32 Sec. 9. NEW SECTION. 231B.9 PUBLIC DISCLOSURE OF
9 33 FINDINGS.

9 34 Upon completion of a monitoring evaluation or complaint
9 35 investigation of an elder group home by the department of
10 1 inspections and appeals pursuant to this chapter, including
10 2 the conclusion of all appeals processes, the department of
10 3 inspections and appeals' final findings with respect to
10 4 compliance by the elder group home with requirements for
10 5 certification shall be made available to the public in a
10 6 readily available form and place. Other information relating
10 7 to an elder group home that is obtained by the department of
10 8 inspections and appeals which does not constitute the
10 9 department of inspections and appeals' final findings from a
10 10 monitoring evaluation or complaint investigation of the elder
10 11 group home shall be made available to the department of elder
10 12 affairs upon request to facilitate policy decisions, but shall
10 13 not be made available to the public except in proceedings
10 14 involving the denial, suspension, or revocation of a
10 15 certificate under this chapter.

10 16 Sec. 10. NEW SECTION. 231B.10 DENIAL, SUSPENSION, OR
10 17 REVOCATION == CONDITIONAL OPERATION.

10 18 1. The department of inspections and appeals may deny,
10 19 suspend, or revoke a certificate in any case where the
10 20 department of inspections and appeals finds that there has
10 21 been a substantial or repeated failure on the part of the
10 22 elder group home to comply with this chapter or other
10 23 applicable laws or rules, or minimum standards adopted under
10 24 this chapter, or other applicable laws or rules, or for any of
10 25 the following reasons:

10 26 a. Cruelty or indifference to elder group home tenants.

10 27 b. Appropriation or conversion of the property of an elder
10 28 group home tenant without the tenant's written consent or the
10 29 written consent of the tenant's legal representative.

10 30 c. Permitting, aiding, or abetting the commission of any
10 31 illegal act in the elder group home.

10 32 d. Obtaining or attempting to obtain or retain a
10 33 certificate by fraudulent means, misrepresentation, or by
10 34 submitting false information.

10 35 e. Habitual intoxication or addiction to the use of drugs
11 1 by the applicant, administrator, executive director, manager,
11 2 or supervisor of the elder group home.

11 3 f. Securing the devise or bequest of the property of a
11 4 tenant of an elder group home by undue influence.

11 5 g. Founded dependent adult abuse as defined in section
11 6 235B.2.

11 7 h. In the case of any officer, member of the board of
11 8 directors, trustee, or designated manager of the elder group
11 9 home or any stockholder, partner, or individual who has
11 10 greater than a ten percent equity interest in the elder group
11 11 home, who has or has had an ownership interest in an elder
11 12 group home, assisted living or adult day services program,
11 13 home health agency, residential care facility, or licensed
11 14 nursing facility in this or any state which has been closed
11 15 due to removal of program, agency, or facility licensure or
11 16 certification or involuntary termination from participation in
11 17 either the medical assistance or Medicare programs, or who has
11 18 been found to have failed to provide adequate protection or
11 19 services for tenants to prevent abuse or neglect.

11 20 i. In the case of a certificate applicant or an existing
11 21 certified owner or operator who is an entity other than an
11 22 individual, the person is in a position of control or is an
11 23 officer of the entity and engages in any act or omission
11 24 proscribed by this chapter.

11 25 j. For any other reason as provided by law or
11 26 administrative rule.

11 27 2. The department of inspections and appeals may as an
11 28 alternative to denial, suspension, or revocation conditionally

11 29 issue or continue a certificate dependent upon the performance
11 30 by the elder group home of reasonable conditions within a
11 31 reasonable period of time as set by the department of
11 32 inspections and appeals so as to permit the program to
11 33 commence or continue the operation of the elder group home
11 34 pending full compliance with this chapter or the rules adopted
11 35 pursuant to this chapter. If the elder group home does not
12 1 make diligent efforts to comply with the conditions
12 2 prescribed, the department of inspections and appeals may,
12 3 under the proceedings prescribed by this chapter, deny,
12 4 suspend, or revoke the certificate. An elder group home shall
12 5 not be operated on a conditional certificate for more than one
12 6 year.

12 7 Sec. 11. NEW SECTION. 231B.11 NOTICE == APPEAL ==
12 8 EMERGENCY PROVISIONS.

12 9 1. The denial, suspension, or revocation of a certificate
12 10 shall be effected by delivering to the applicant or
12 11 certificate holder by restricted certified mail or by personal
12 12 service a notice setting forth the particular reasons for such
12 13 action. Such denial, suspension, or revocation shall become
12 14 effective thirty days after the mailing or service of the
12 15 notice, unless the applicant or certificate holder, within
12 16 such thirty-day period, requests a hearing, in writing, of the
12 17 department of inspections and appeals, in which case the
12 18 notice shall be deemed to be suspended.

12 19 2. The denial, suspension, or revocation of a certificate
12 20 may be appealed in accordance with rules adopted by the
12 21 department of inspections and appeals in accordance with
12 22 chapter 17A.

12 23 3. When the department of inspections and appeals finds
12 24 that an imminent danger to the health or safety of a tenant of
12 25 an elder group home exists which requires action on an
12 26 emergency basis, the department of inspections and appeals may
12 27 direct removal of all tenants of the elder group home and
12 28 suspend the certificate prior to a hearing.

12 29 Sec. 12. NEW SECTION. 231B.12 DEPARTMENT NOTIFIED OF
12 30 CASUALTIES.

12 31 The department of inspections and appeals shall be notified
12 32 within twenty-four hours, by the most expeditious means
12 33 available, of any accident causing substantial injury or death
12 34 to a tenant, and any substantial fire or natural or other
12 35 disaster occurring at or near an elder group home.

13 1 Sec. 13. NEW SECTION. 231B.13 RETALIATION BY ELDER GROUP
13 2 HOME PROHIBITED.

13 3 An elder group home shall not discriminate or retaliate in
13 4 any way against a tenant, a tenant's family, or an employee of
13 5 the elder group home who has initiated or participated in any
13 6 proceeding authorized by this chapter. An elder group home
13 7 that violates this section is subject to a penalty as
13 8 established by administrative rule in accordance with chapter
13 9 17A and to be assessed and collected by the department of
13 10 inspections and appeals and paid into the state treasury to be
13 11 credited to the general fund of the state.

13 12 Sec. 14. NEW SECTION. 231B.14 CIVIL PENALTIES.

13 13 The department may establish by rule, in accordance with
13 14 chapter 17A, civil penalties for the following violations by
13 15 an elder group home:

13 16 1. Noncompliance with any regulatory requirements which
13 17 presents an imminent danger or a substantial probability of
13 18 resultant death or physical harm to a tenant.

13 19 2. Following receipt of notice from the department of
13 20 inspections and appeals, continued failure or refusal to
13 21 comply within a prescribed time frame with regulatory
13 22 requirements that have a direct relationship to the health,
13 23 safety, or security of elder group home tenants.

13 24 Sec. 15. NEW SECTION. 231B.15 CRIMINAL PENALTIES AND
13 25 INJUNCTIVE RELIEF.

13 26 1. A person establishing, conducting, managing, or
13 27 operating an elder group home without a certificate is guilty
13 28 of a serious misdemeanor. Each day of continuing violation
13 29 after conviction or notice from the department of inspections
13 30 and appeals by certified mail of a violation shall be
13 31 considered a separate offense. A person establishing,
13 32 conducting, managing, or operating an elder group home without
13 33 a certificate may be temporarily or permanently restrained by
13 34 a court of competent jurisdiction from such activity in an
13 35 action brought by the state.

14 1 2. A person who prevents or interferes with or attempts to
14 2 impede in any way any duly authorized representative of the
14 3 department of inspections and appeals in the lawful
14 4 enforcement of this chapter or other applicable law or rules

14 5 adopted pursuant to this chapter is guilty of a simple
14 6 misdemeanor. As used in this subsection, "lawful enforcement"
14 7 includes but is not limited to:

14 8 a. Contacting or interviewing any tenant of an elder group
14 9 home in private at any reasonable hour and without advance
14 10 notice.

14 11 b. Examining any relevant records of an elder group home.

14 12 c. Preserving evidence of any violation of this chapter or
14 13 the rules adopted pursuant to this chapter.

14 14 Sec. 16. NEW SECTION. 231B.16 COORDINATION OF THE LONG=
14 15 TERM CARE SYSTEM == TRANSITIONAL PROVISIONS.

14 16 1. A hospital licensed pursuant to chapter 135B or a
14 17 health care facility licensed pursuant to chapter 135C may
14 18 operate an elder group home, if certified pursuant to this
14 19 chapter.

14 20 2. This chapter shall not be construed to require that a
14 21 facility licensed as a different type of facility also comply
14 22 with the requirements of this chapter, unless the facility is
14 23 represented to the public as an elder group home.

14 24 3. A certified elder group home that complies with the
14 25 requirements of this chapter shall not be required to be
14 26 licensed as a health care facility pursuant to chapter 135C,
14 27 unless the facility is represented to the public as a licensed
14 28 health care facility.

14 29 Sec. 17. NEW SECTION. 231B.17 IOWA ELDER GROUP HOME
14 30 FEES.

14 31 1. The department of inspections and appeals shall collect
14 32 elder group home certification and related fees. Fees
14 33 collected and retained pursuant to this section shall be
14 34 deposited in the general fund of the state.

14 35 2. The following certification and related fees shall
15 1 apply to elder group homes:

15 2 a. For a two-year initial certification, seven hundred
15 3 fifty dollars.

15 4 b. For a two-year recertification, one thousand dollars.

15 5 c. For a blueprint plan review, nine hundred dollars.

15 6 d. For an optional preliminary plan review, five hundred
15 7 dollars.

15 8 Sec. 18. NEW SECTION. 231B.18 APPLICATION OF LANDLORD
15 9 AND TENANT ACT.

15 10 Chapter 562A, the uniform residential landlord and tenant
15 11 Act, shall apply to elder group homes under this chapter.

15 12 Sec. 19. NEW SECTION. 231B.19 RESIDENT ADVOCATE
15 13 COMMITTEES.

15 14 The commission of elder affairs shall adopt by rule
15 15 procedures for appointing members of resident advocate
15 16 committees for elder group homes.

15 17 Sec. 20. NEW SECTION. 231B.20 NURSING ASSISTANT AND
15 18 MEDICATION AIDE == CERTIFICATION.

15 19 The department of inspections and appeals, in cooperation
15 20 with other appropriate agencies, shall establish a procedure
15 21 to allow nursing assistants or medication aides to claim work
15 22 within an elder group home as credit toward sustaining the
15 23 nursing assistant's or medication aide's certification.

15 24 Sec. 21. Section 335.33, Code 2005, is amended to read as
15 25 follows:

15 26 335.33 ELDER GROUP HOMES.

15 27 A county board of supervisors or county zoning commission
15 28 shall consider an elder group home a family home, as defined
15 29 in section 335.25, for purposes of zoning, in accordance with
15 30 section ~~231B.2~~ 231B.4, and may establish limitations regarding
15 31 the proximity of one proposed elder group home to another.

15 32 Sec. 22. Section 414.31, Code 2005, is amended to read as
15 33 follows:

15 34 414.31 ELDER GROUP HOMES.

15 35 A city council or city zoning commission shall consider an
16 1 elder family home a family home, as defined in section 414.22,
16 2 for purposes of zoning, in accordance with section ~~231B.2~~
16 3 231B.4, and may establish limitations regarding the proximity
16 4 of one proposed elder group home to another.

16 5 EXPLANATION

16 6 This bill establishes a new regulatory framework for elder
16 7 group homes. The bill provides findings, purpose, and intent
16 8 related to elder group homes, provides definitions, and
16 9 provides for certification and monitoring of elder group homes
16 10 similar to the requirements for assisted living programs. The
16 11 bill establishes fire and safety standards; requires written
16 12 occupancy agreements; establishes provisions for involuntary
16 13 transfer of a tenant and a process for addressing complaints;
16 14 establishes a process for informal review when an elder group
16 15 home contests the findings of regulatory insufficiencies of a

16 16 monitoring evaluation or complaint investigation; provides for
16 17 public disclosure of final findings upon completion of a
16 18 monitoring evaluation or complaint investigation to the public
16 19 and disclosure of other information to the department of elder
16 20 affairs; establishes provisions for denial, suspension, or
16 21 revocation of certification and for conditional operation of
16 22 an elder group home; provides for notice and an appeal process
16 23 relative to the denial, suspension, or revocation of a
16 24 certificate; provides for the department of inspections and
16 25 appeals to be notified of casualties; prohibits retaliation by
16 26 an elder group home against a tenant, a tenant's family, or an
16 27 employee of the elder group home who has initiated or
16 28 participated in any proceeding authorized under the chapter;
16 29 provides for civil and criminal penalties and injunctive
16 30 relief; provides transitional provisions; establishes
16 31 certification and related fees; provides prohibitions relating
16 32 to fiduciary duties; provides provisions relating to nursing
16 33 assistants and medication aides; provides that the landlord
16 34 and tenant Act is applicable to elder group homes; and
16 35 provides for the appointment of members of resident advocate
17 1 committees for elder group homes.
17 2 LSB 1267DP 81
17 3 pf/gg/14.1